

This form is attached to DV-130, Item 9.

1 Your name: \_\_\_\_\_  Mom  Dad

2 Other parent's name: \_\_\_\_\_  Mom  Dad

3 Other (name): \_\_\_\_\_

**The court used the information below to calculate child support.**

A printout of a computer calculation is attached. (Skip to 8 if this printout is attached and do not complete 4 to 7).

4  **Monthly Income**

	Gross income	Net income	Capable of earning	TANF/CalWORKS
Mom	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
Dad	\$ _____	\$ _____	\$ _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

5  **Low-Income Adjustment** range of \_\_\_\_\_ applies to  Mom  Dad who earns less than \$1,000 per month after taxes.

6  **Children of Mom and Dad listed in 1 and 2:**

- a. Number of children covered by this order: \_\_\_\_\_
- b. Those children spend \_\_\_\_\_% of time with Mom and \_\_\_\_\_% with Dad.

7  **Hardships** considered by the court:

	Mom	Dad	Explain or attach explanation
a. <input type="checkbox"/> Support for other minor children	\$ _____	\$ _____	_____
b. <input type="checkbox"/> Extraordinary medical expenses	\$ _____	\$ _____	_____
c. <input type="checkbox"/> Catastrophic losses	\$ _____	\$ _____	_____
d. <input type="checkbox"/> Other (specify): _____			_____

8  The **Guideline Calculation** (not including additional support) is \$ \_\_\_\_\_.

9  A **Non-Guideline Order** is appropriate instead of the Guideline Calculation in 8. This order does not meet the child support guideline set forth in Family Code section 4055.

10  **Other Findings:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**

Your name: \_\_\_\_\_

**The Court Orders:**

- 11**  **Low-income Adjustment**  
 Based on the law and facts of this case:  
 a.  There will be no low-income adjustment.  
 b.  There will be a low-income adjustment of: \$ \_\_\_\_\_ based upon (specify): \_\_\_\_\_

- 12**  A **Non-Guideline Order** of \$ \_\_\_\_\_ per month is ordered instead of the Guideline Calculation in **8**. This order does not meet the child support guideline set forth in Family Code section 4055. **Form FL-342(A)** (Non-Guideline Child Support Findings Attachment) is attached.

- 13**  **Basic Child Support**  
 **Total Child Support Order** is \$ \_\_\_\_\_ for all children listed below.  
 a.  Mom  Dad will pay child support starting (date): \_\_\_\_\_ for:  

Child's Name	Date of Birth	Monthly Amount	Payable to:
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____
_____	_____	\$ _____	_____

  
 b. Support must be paid to:  Mom  Dad  Local Child Support Agency  
 By the 1st of each month  
 50% on the 1st and 50% on the 15th of each month  
 By Earnings Assignment Order (Order to Withhold Income)  
 Other (specify): \_\_\_\_\_

- 14**  **Additional Child Support** (included in **13** above)  
 (Write the specific amount. If the specific amount is not available, enter a percentage.)  
 a. **Costs**
- |   | Mom Pays:                             | Dad Pays:                             | Other Arrangements: |
|---|---------------------------------------|---------------------------------------|---------------------|
| <input type="checkbox"/> Child-care expenses                        | \$ _____ <input type="checkbox"/> 50% | \$ _____ <input type="checkbox"/> 50% | _____               |
| <input type="checkbox"/> Children's uninsured health-care expenses  | \$ _____ <input type="checkbox"/> 50% | \$ _____ <input type="checkbox"/> 50% | _____               |
| <input type="checkbox"/> Children's educational/other special needs | \$ _____ <input type="checkbox"/> 50% | \$ _____ <input type="checkbox"/> 50% | _____               |
| <input type="checkbox"/> Travel expenses for visitation             | \$ _____ <input type="checkbox"/> 50% | \$ _____ <input type="checkbox"/> 50% | _____               |
| <input type="checkbox"/> Other (specify): _____                     | \$ _____ <input type="checkbox"/> 50% | \$ _____ <input type="checkbox"/> 50% | _____               |
- 
- b. These support payments must be made to:
- 
- Mom
- 
- Dad
- 
- Local Child Support Agency
- 
- 
- By the 1st of each month
- 
- 
- 50% on the 1st and 50% on the 15th of each month
- 
- 
- By Earnings Assignment Order (Order to Withhold Income)
- 
- 
- Other (specify): \_\_\_\_\_
- 
- 
- All payments to the Local Child Support Agency (LCSA) must be mailed to:
- 
- \_\_\_\_\_
- 
- \_\_\_\_\_

**This is a Court Order.**

Your name: \_\_\_\_\_

**Notice:**

If you are late in paying child support, you must pay interest on overdue amounts at the “legal” rate, which is currently 10% per year.

This support order will continue until:

- There is a different court order *or*
- The child marries, dies, turns 19, or is emancipated *or*
- The child turns 18 and is not a full-time high school student

**15**  **Health-Care Expenses**

- a.  Mom  Dad will provide and keep health insurance for the children in Item 13a if it is available at no or reasonable cost through work or a group plan, including group plans available through self-employment. Both parents will cooperate to complete health-care claims as stated on **page 5** (Notice of Rights and Responsibilities re: Health-Care Costs and Reimbursement Procedures). Parents may have peaceful written contact with each other in order to complete insurance claims.
- b.  No health insurance is available to  Mom  Dad at a reasonable cost now.
- c.  The parent with insurance will give the right of reimbursement to the other parent.

**16**  **Earnings Assignment Order (Order to Withhold Income)**

- a.  There will be a **Form FL-195** (Order or Notice to Withhold Income for Child Support).  
Note: The parent paying child support must pay support to the other parent until support payments are deducted from the paying parent’s wages, and for any support not paid by the assignment.
- b.  If the parent paying support is more than \_\_\_\_\_ days late in making a payment, the Earnings Assignment will be served.
- c.  There will be a **Qualified Medical Child Support Order** payable to  Mom  Dad.

**17**  **Employment Search Order**

Mom  Dad is ordered to seek employment  as stated in the attachment  as follows:

\_\_\_\_\_  
\_\_\_\_\_

**18**  **Other Orders**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**This is a Court Order.**

Your name: \_\_\_\_\_

- 19 These **Required Attachments** are attached and are a part of this order:
- Notice of Rights and Responsibilities re: Health-Care Costs and Reimbursement Procedures (pages 5 and 6)
  - Information Sheet on Changing a Child Support Order (pages 7 and 8)

20 **Child Support Registry**

Both parents must complete **Form FL-191** (Child Support Case Registry Form) and deliver it to the court within 10 days from the date of this order. If any information on Form FL-191 changes, the parents must update the form and deliver it to the court within 10 days.

**This is a Court Order.**

**If you have a child support order that includes a provision for the reimbursement of a portion of the child's or children's health-care costs and those costs are not paid for by insurance, the law says:**

**1. Notice.** You must give the other parent an itemized statement of the charges that have been billed for any health-care costs that are not paid for by insurance. You must give this statement to the other parent within a reasonable time, but no longer than 30 days after those costs were given to you.

**2. Proof of full payment.** If you have already paid all of the uninsured costs, you must (1) provide the other parent with proof that you have paid those costs, and (2) ask for reimbursement for the other parent's court-ordered share of those costs.

**3. Proof of partial payment.** If you have paid only your share of the uninsured costs, you must (1) provide the other parent with proof that you have paid your share, (2) ask that the other parent pay his or her share of the costs directly to the health-care provider, and (3) provide the other parent with the information necessary for that parent to be able to pay the bill.

**4. Payment by notified parent.** If you receive notice from a parent that an uninsured health-care cost has been incurred, you must pay your share of that cost within the time the court orders, or if the court has not specified a period of time, you must make payment either (1) within 30 days from the time you were given notice of the amount due, (2) according to any payment schedule set by the health-care provider, (3) according to a schedule agreed to in writing by yourself and the other parent, or (4) according to a schedule adopted by the court.

**5. Disputed charges.** If you dispute a charge, you may file a motion in court to resolve the dispute, but only if you pay that charge before filing your motion. If you claim that the other party has failed to

reimburse you for a payment, or the other party has failed to make a payment to the provider after proper notice has been given, you may file a motion in court to resolve the dispute. The court will presume that if uninsured costs have been paid, those costs were reasonable. The court may award attorney fees against a party who has been unreasonable.

**6. Court-ordered insurance coverage.** If a parent provides health-care insurance as ordered by the court, that insurance must be used at all times to the extent that it is available for health-care costs.

**a. Burden to prove.** The burden to prove to the court that the coverage is inadequate to meet the child(ren)'s needs is upon the party claiming that inadequacy.

**b. Cost of additional coverage.** If a parent purchases health-care insurance in addition to that being ordered, the purchasing parent must pay for all the costs of the additional coverage. In addition, if the parent uses the alternative coverage, that parent must pay for all costs that exceed what would have been incurred under the coverage provided by court order.

**7. Preferred health-care providers.** If the court-ordered coverage designates a preferred health-care provider, that provider must be used at all times consistent with the terms of the health insurance policy. When any party uses a health-care provider other than the preferred provider, any health-care costs that would have been paid by the preferred health-care provider had that provider been used will be the sole responsibility of the party incurring those costs.

**Si Usted tiene una orden de manutención de menores que disponga la devolución de costos incurridos por servicios de salud para niños y costos no cubiertos por el seguro médico, la ley dice:**

- 1. Aviso.** Usted debe dar al otro padre una factura detallada relacionando los costos cobrados por servicios de salud que no estén cubiertos por seguro médico. Debe darle al otro padre esta factura con antelación razonable y no más tarde de 30 días después de haber recibido esos cobros de pago.
- 2. Comprobante de pago total.** Si Usted ya pagó todos los costos de salud correspondientes a individuos no asegurados, deberá: (1) proporcionar al otro padre el comprobante de haber pagado y (2) pedirle al otro padre que le pague la porción de los costos que le corresponda, según la orden del tribunal.
- 3. Comprobante de pago parcial.** Si Usted sólo pagó su porción de los costos no cubiertos por el seguro, debe: (1) darle al otro padre un comprobante indicando que ya pagó su porción, (2) pedir al otro padre que pague directamente al proveedor de servicios médicos la parte de los costos que le corresponde y (3) darle al otro padre la información necesaria para que pague la factura.
- 4. Pago de padre notificado.** Si Usted recibe notificación del otro padre indicando costos incurridos por servicios de salud para individuos sin seguro, Usted deberá pagar su porción correspondiente dentro del tiempo ordenado por el tribunal, o si el tribunal no especifica un período de tiempo, deberá pagar el costo, ya sea, (1) dentro de 30 días desde la fecha en que recibió la notificación sobre los costos por pagar, (2) dentro del horario acordado por escrito entre Usted y el otro padre, o (4) dentro del horario adoptado por el tribunal.
- 5. Costos disputados.** Si Usted disputa un costo, puede registrar una moción ante el tribunal para resolver la disputa. Sólo podrá hacer esto, si paga el costo antes de registrar la moción. Si está reclamando

que la otra parte no le ha pagado por un costo, o que no le ha pagado al proveedor de servicios de salud después de la notificación apropiada, Usted puede registrar una moción ante el tribunal para resolver la disputa. El tribunal decidirá si los costos de servicios de salud de persona no asegurada han sido razonables, si estos ya se han pagado. Si una persona no actúa razonablemente, el tribunal puede imponerle que pague honorarios de abogado.

**6. Cobertura de seguro por orden de tribunal.** Si un padre tiene seguro para servicios de salud por orden del tribunal, ese seguro se usará todo el tiempo, siempre que esté disponible para cubrir costos de servicios de salud.

- a. Responsabilidad de comprobar.** La responsabilidad de comprobar ante el tribunal que la cobertura de servicios de salud es inadecuada para los niños recae sobre la parte que reclama que es inadecuada.
- b. Costos de cobertura adicional.** Si un padre compra seguro de servicios de salud adicional al que haya sido ordenado, el padre que lo compra deberá pagar todo el costo de la cobertura adicional. Además, si dicho padre usa la manera alterna de cobertura, tendrá que pagar todos los costos que excedan los incurridos bajo la cobertura dispuesta por orden del tribunal.

**7. Proveedor de servicios de salud preferido.** Si la orden del tribunal especifica un proveedor de servicios de salud preferido, ese proveedor deberá usarse siempre, según los términos de la póliza del seguro de salud. Si una de las partes usa un proveedor que no sea el preferido, cualquier costo incurrido que podría haber sido cubierto por el proveedor preferido si se hubieran utilizado sus servicios, será responsabilidad exclusiva de la parte que incurra el costo.

## General Information

The court has just made a child support order in your case. This order will remain the same unless a party to the action requests that the support be changed (modified). An order for child support can be modified only by filing a motion to change child support and serving each party involved in your case. If both parents and the local child support agency (if involved) agree on a new child support amount, you can complete, have all parties sign, and file with the court a *Stipulation to Establish or Modify Child Support and Order* (Form FL-350) or *Stipulation and Order (Governmental)* (Form FL-625).

## When a Child Support Order May Be Modified

The court takes several things into account when ordering the payment of child support. First, the number of children is considered. Next, the net income of both parents is determined, along with the percentage of time each parent has physical custody of the child(ren). The court considers both parties' tax filing status and may consider hardships, such as a child of another relationship. An existing order for child support may be modified when there has been a significant change in one of the parent's net income or a significant change in the parenting schedule or when a new child is born.

### Examples:

- You have been ordered to pay \$500 per month in child support. You lose your job. You will continue to owe \$500 per month, plus 10% interest on any unpaid support, unless you file a motion to modify your child support to a lower amount and the court orders a reduction.
- You are currently receiving \$300 per month in child support from the other parent, whose net income has just increased substantially. You will continue to receive \$300 per month unless you file a motion to modify your child support to a higher amount and the court orders an increase.
- You are paying child support based upon having physical custody of your child(ren) 30% of the time. After several months it turns out that you actually have physical custody of the child(ren) 50% of the time. You may file a motion to modify child support to a lower amount.

## How to Modify an Existing Child Support Order

### 1. Obtain and fill out the modification forms.

The forms are available from the court clerk, Family Law Facilitator, your local law library, the Judicial Council's

Web site ([www.courtinfo.ca.gov](http://www.courtinfo.ca.gov)), and various legal publishers. You will need to complete the following forms:

- *Order to Show Cause* (Form FL-300) **or** *Notice of Motion* (Form FL-301) and *Application for Order and Supporting Declaration* (Form FL-310) **or** *Notice of Motion and Motion for Simplified Modification of Order for Child, Spousal, or Family Support* (Form FL-390) **or** *Order to Show Cause (Governmental)* (Form FL-683) **or** *Notice of Motion (Governmental)* (Form FL-680) **or** *Request for Order and Supporting Declaration (Governmental)* (Form FL-684) if your case is open with the local child support agency.
- *Income and Expense Declaration* (Form FL-150) **or** *Financial Statement (Simplified)* (Form FL-155).

**2. File the forms and obtain a hearing date from the court clerk. Write the hearing date on the modification forms. You will have to pay a filing fee. If you cannot afford a filing fee you can request a waiver of the fee by filing an *Application for Waiver of Court Fees and Costs* (Form 982(a)(17)).**

**3. "Serve" the modification forms on the other parent and, if involved, on the local child support agency.**

"Service" means "legally" delivering a copy of the papers. The forms generally must be served no later than 21 calendar days prior to the hearing if serving by personal delivery. The delivery can normally be done by mail but then must be done at least 26 calendar days before the hearing. All service must be done by a person who is at least age 18 **other than you**. This person must serve all papers you completed for the court as well as a blank *Responsive Declaration* (Form FL-320) and blank *Income and Expense Declaration* (Form FL-150) or *Financial Statement (Simplified)* (Form FL-155).

**4. File Proof of Service (Form FL-330 or FL-335) with the court clerk to show that the court papers were served on the other parent and, if involved, the local child support agency.**

**5. Attend the court hearing.**

Bring your most recent two years of tax returns and three most recent pay stubs to the court hearing. The judge will review your modification forms and the other parent's response, listen to both of you, and make an order. You should then prepare a *Findings and Order After Hearing* (Form FL-340) with *Child Support Information and Order Attachment* (Form FL-342).

**If you are unable to complete these forms by yourself, help is available. Contact the Family Law Facilitator in your county or the Lawyer Referral Service of your local bar association, or consult the Yellow Pages of your telephone book under "Attorneys."**

## Información general

El tribunal acaba de dar una orden judicial sobre manutención de menores en su caso. Esta orden permanecerá en efecto, a menos que alguna de las partes de la causa pida que se cambie (o modifique). Sólo se puede modificar una orden de manutención de menores registrando un *Aviso De Moción* u *Orden Para Dar Razones* y entregando notificación a cada una de las partes implicadas en el caso. Si ambos padres y el fiscal (si éste participa) se ponen de acuerdo sobre una suma nueva de manutención de menores, Usted puede llenar una *Estipulación Para Establecer O Modificar Orden De Manutención De Menores* (1285.27).

## ¿Cuándo se puede modificar una orden de manutención de menores?

El tribunal toma varios factores en consideración al dar una orden judicial sobre manutención de menores. Primero, considera el número de hijos. Luego, determina los ingresos de ambos padres y el porcentaje del tiempo que cada padre asume la custodia física de los hijos. Estudia el estado tributario (pago de impuestos) de ambas partes y puede tener en cuenta factores de dificultad económica, tales como la existencia de hijos de otra relación. Una orden sobre manutención de menores se puede modificar si ocurre un cambio considerable en los ingresos netos de uno de los padres, o un cambio considerable en el horario de estadía de los hijos con los padres o cuando nace un nuevo hijo.

## Ejemplos:

Si le ordenan pagar \$500 mensuales por manutención de menores y luego pierde su empleo, continuará debiendo \$500 mensuales, más el 10% de intereses sobre la manutención debida, a menos que registre un *Aviso De Moción* u *Orden Para Dar Razones* pidiendo que se modifique la orden y que el tribunal ordene que se reduzca la manutención.

Si recibe del otro padre \$300 mensuales por manutención de menores y los ingresos de ese padre aumentan considerablemente, continuará recibiendo \$300 mensuales, a menos que registre un *Aviso De Moción* u *Orden Para Dar Razones* pidiendo que se modifique la orden y que el tribunal ordene el aumento de la suma de manutención de menores.

Si paga manutención de menores basándose en el 30% de custodia parcial de sus hijos y después de varios meses, resulta en efecto que sus hijos pasan con Usted el 50% del tiempo. En dado caso, podrá registrar un *Aviso De Moción* u *Orden Para Dar Razones* pidiendo que se reduzca la suma de manutención.

## ¿Cómo se modifica una orden judicial existente sobre manutención de menores?

### 1. Obtenga y llene los formularios para pedir las modificaciones.

Puede pedir los formularios en la secretaría del tribunal o al Asesor Legal del Tribunal de Familia. También puede encontrarlos en la biblioteca de leyes local o comprarlos a diversos editores de materiales legales. Tendrá que llenar los siguientes formularios:

- *Orden Para Dar Razones* (formulario 1285) o *Aviso De Moción* (formulario 1285.10) y *Solicitud De Orden Judicial Y Declaración Que La Respalda* (formulario 1285.20) o *Aviso De Moción Y Solicitud Simplificada Para Modificar Orden De Manutención De Menores* (formulario 1285.30).
- *Declaración De Ingresos Y Gastos* (formularios 1285.50, 1285.50a, 1285.50b, 1285.50c) o *Declaración Financiera (Simplificada)* (formulario 1285.52).

**2. Registre los formularios en la secretaría del tribunal y pida una fecha de audiencia. Escriba la fecha de la audiencia en los formularios de modificación. Tendrá que pagar un costo al registrar el documento. Si no puede pagar el costo de registro, puede pedir exoneración si llena el formulario *Solicitud Para Exoneración De Costos De Tribunal* (982(a)(17).**

### 3. Entregue “notificación” de los formularios de modificación al otro padre y al fiscal (si éste participa).

Entregar “notificación” significa hacer entrega de una copia de los documentos “según lo pide la ley”. La notificación, por lo general, debe entregarse por lo menos 20 días antes de la audiencia. Se puede enviar por correo, normalmente, pero debe ser entregada por una persona que tenga por lo menos 18 años y **que no sea Usted mismo**. Esta persona debe hacer entrega de todos los documentos que Usted haya llenado para el tribunal y, además, entregar un formulario en blanco de *Declaración Para Responder A Orden Judicial* (1285.40) y un formulario en blanco de *Declaración De Ingresos Y Gastos* (formularios 1285.50, 1285.50a, 1285.50b, 1285.50c) o un formulario de *Declaración Financiera (Simplificada)* (formulario 1285.52).

**4. Registre el *Comprobante De Notificación* (formularios 1285.85 ó 1285.84) en la secretaría del tribunal, comprobando que los documentos fueron entregados al otro padre y al fiscal (si éste participa).**

### 5. Asista a la audiencia ante el tribunal.

Traiga a la audiencia ante el tribunal sus dos últimas declaraciones de impuestos y sus tres talonarios de pago más recientes. El juez estudiará los formularios que piden la modificación y la respuesta del otro padre, escuchará a ambas partes y dará una orden judicial. Después de la audiencia, Usted deberá preparar una *Determinación Y Orden Posterior A Audiencia* (formulario 1296.31).

**Si no puede llenar estos formularios por sí mismo, diríjase al Asesor Legal del Tribunal de Familia de su condado o al Servicio de Referencias de Abogados de la oficina local del Colegio de Abogados, o también puede buscar en las “Páginas Amarillas” del directorio telefónico bajo “Attorneys,” (que significa “abogados” en inglés).**